

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                    |   |                                      |
|------------------------------------|---|--------------------------------------|
| ROBERT JAMES CONANT,               | : | Case No. 2:23-cv-01148               |
|                                    | : |                                      |
| Plaintiff,                         | : | District Judge Edmund A. Sargus, Jr. |
|                                    | : | Magistrate Judge Caroline H. Gentry  |
| vs.                                | : |                                      |
|                                    | : |                                      |
| NOBLE CORR. INST., <i>et al.</i> , | : |                                      |
|                                    | : |                                      |
| Defendants.                        | : |                                      |

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**ORDER**

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This civil rights matter is before the Court on Defendants’ Motion to Vacate the decision granting the pro se Plaintiff *in forma pauperis* status. (Doc. No. 31.) Defendants argue that because Plaintiff has been released from prison, he should no longer be allowed to proceed *in forma pauperis* (or IFP). (*Id.* at PageID 158.) They also request a stay of this matter until Plaintiff pays the filing fees. (*Id.*)

Defendants’ Motion to Vacate (Doc. No. 31) is **DENIED**. Defendants failed to cite, but should be aware of, a contrary Sixth Circuit opinion that is directly on point. In *In re Prison Litig. Reform Act*, 105 F.3d 1131 (6th Cir. 1997), the Sixth Circuit held:

[A] prisoner is obligated to pay assessed fees and costs only while he or she remains incarcerated. After release, the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status. The decision of whether pauper status is available to a released prisoner will be made by the district court.

*Id.* at 1139 (emphasis added).

Accordingly, the Court **ORDERS** Plaintiff to complete and file a new IFP application, on a form provided by the Court. If Plaintiff wishes to proceed in this case, he must file the completed IFP application by **November 18, 2024**. If Plaintiff does not file an IFP application, then the undersigned will recommend to the District Judge that this case be dismissed for failure to comply with the Order.

The Clerk of Court is **DIRECTED** to send Plaintiff a blank copy of the non-prisoner IFP application along with this Order.

**IT IS SO ORDERED.**

/s/ Caroline H. Gentry  
Caroline H. Gentry  
United States Magistrate Judge